

1 CANDIE M. DIBBLE, WSBA #42279  
2 Assistant Attorney General  
3 Office of the Attorney General  
4 Corrections Division  
5 1116 West Riverside Avenue, Suite 100  
6 Spokane, WA 99201-1106  
7 (509) 456-3123

8 Honorable Thomas O. Rice

9 **UNITED STATES DISTRICT COURT**  
10 **EASTERN DISTRICT OF WASHINGTON**

11 JOHN DOE 1; JOHN DOE 2; JANE  
12 DOE 1; JANE DOE 2; JANE DOE 3;  
13 and all persons similarly situated,  
14 Plaintiffs,

15 v.

16 WASHINGTON STATE  
17 DEPARTMENT OF CORRECTIONS;  
18 STEPHEN SINCLAIR,

19 Defendants,

20 and

21 BONNEVILLE INTERNATIONAL,  
22 THE MCCLATCHY COMPANY, and  
ANDREA KELLY,

Interested Parties.

NO. 4:21-cv-05059-TOR

DEFENDANTS' RESPONSE TO  
PLAINTIFFS' PROPOSAL:  
NOTICE TO CLASS MEMBERS

1 The Defendants respectfully respond to Plaintiffs' proposal of notice to class  
2 members. ECF No. 73.

### 3 **RESPONSE**

4 Plaintiffs argue that notice to the proposed class members is unnecessary  
5 because they are unable to opt out and that their identity is known to the Defendants.  
6 While the identity of the current inmates who voluntarily request their transgender  
7 status be maintained by the Department, the same cannot be said for the Plaintiffs'  
8 other proposed class of inmates no longer in Department custody. As noted in the  
9 Defendants' previous pleadings, they maintain an "active" spreadsheet with current  
10 data of inmates who voluntarily provide their transgender status. ECF No. 33 at 4-5.  
11 The Defendants do not have all identifying information related to formerly  
12 incarcerated inmates who voluntarily, or involuntarily, had their transgender status  
13 documented. Therefore, it would be necessary to publish notice through some means  
14 other than posting in the prisons, to the later proposed sub class members.

15 RESPECTFULLY SUBMITTED this 8<sup>th</sup> day of June, 2021.

16 ROBERT W. FERGUSON

17 Attorney General

18 s/ Candie M. Dibble

19 CANDIE M. DIBBLE

20 WSBA #42279

21 Assistant Attorney General

22 Corrections Division

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[Candie.Dibble@atg.wa.gov](mailto:Candie.Dibble@atg.wa.gov)